

**SUPREME COURT MINUTES
TUESDAY, APRIL 18, 2006
SAN FRANCISCO, CALIFORNIA**

S136468 H026759 Sixth Appellate District

**SILICON VALLEY TAXPAYERS
ASSOCIATION v. SANTA CLARA
COUNTY OPEN SPACE
AUTHORITY**

Extension of time granted to April 21, 2006 to file respondent's answer brief on the merits is granted.

S064415

PEOPLE v. BRAMIT (MICHAEL L.)

Due to clerical error, the order filed in the above matter on April 13, 2006, is amended to read as follows: Good cause appearing, and based upon Deputy State Public Defender Peter R. Silten's representation that he anticipates filing the appellant's opening brief by June 16, 2006, counsel's request for an extension of time in which to file that brief is granted to June 16, 2006. After that date, no further extension will be granted.

S121552

MARTINEZ v. COMBS

The application of Respondent APIO, INC., for permission to file their Answer Brief on the Merits containing 19,016 words that exceeds the 14,000 word limit prescribed by California Rules of Court rule 29.1(c)(1) by 5,016 words is hereby granted.

S142461

**CHEVRON STATIONS INC. v.
DEPARTMENT OF ALCOHOLIC
BEVERAGE CONTROL**

Transferred to CA 1

S129720

SMITH ON DISCIPLINE

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **SCOTT ALAN SMITH, State Bar No. 182359**, must be actually suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on December 25, 2005 (Business & Professions Code section 6007(d)(3)). Respondent is ordered to comply with California Rules of Court, rule 955 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, Section 6126, subd. (c).)

S140493**WHALEY ON DISCIPLINE**

It is ordered that **DANIEL PATRICK WHALEY, State Bar No. 99577**, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 18 months. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on November 22, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension or within one year after the effective date of this order, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, Section 6126, subd. (c).)

S140495**ALPERS ON DISCIPLINE**

It is ordered that **STEVEN JED ALPERS, State Bar No. 75683**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on November 23, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S140497**HARRIS ON DISCIPLINE**

It is ordered that **GEORGE HARRIS III, State Bar No. 178771**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months and until he makes restitution to Manga Sobichevsky (or the Client Security Fund, if appropriate) in the amount of \$1,000.00 plus 10% interest per annum from March 1, 2000, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 27, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, Section 6126, subd. (c).)

S140498**LAWRENCE ON DISCIPLINE**

It is ordered that **ARTHUR GOOTKIN LAWRENCE, State Bar No. 29554**, be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed November 15, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, he is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2007, 2008, and 2009. (Bus. & Prof. Code, Section 6086.10.) It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, Section 6126, subd. (c).)

S140500**CHIN ON DISCIPLINE**

It is ordered that **ARNOLD CHIN, State Bar No. 95797**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 23, 2005, as modified by its order filed December 22, 2005. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, Section 6126, subd. (c).)

S140712**PODBIELSKI ON DISCIPLINE**

It is ordered that **CHERYL A. PODBIELSKI, State Bar No. 134570**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 30 days as recommended by the Hearing Department of the State Bar Court in its decision filed November 18, 2005, as amended on November 22, 2005; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8 respondent is actually suspended for 90 days or more, it is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section

6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, Section 6126, subd. (c).)

S140846**TARLOW ON DISCIPLINE**

It is ordered that **RICHARD GARY TARLOW, State Bar No. 72889**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 30 days as recommended by the Hearing Department of the State Bar Court in its decision filed on November 30, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, Section 6126, subd. (c).)

S140947**WANVIG ON DISCIPLINE**

It is ordered that **JOHN FREELAND WANVIG, State Bar No. 120390**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California as recommended by the Hearing Department of the State Bar Court in its decision filed on December 1, 2005. Respondent is also ordered to comply with the conditions of probation, if any hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, Section 6126, subd. (c).)

S140951**BURTON ON DISCIPLINE**

It is ordered that **STEPHEN L. BURTON, State Bar No. 113748**, be suspended from the practice of law for two years and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for thirty days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed December 14, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar, and one-half of those costs must be added to and made a part of Burton's annual State Bar membership fees for the years 2007 and 2008. (Bus. & Prof. Code, Section 6086.10.) It is further ordered that, if Burton fails to pay any installment within the time provided herein or as may be modified by the State Bar Court in accordance with section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S140953**ROHANI ON DISCIPLINE**

It is ordered that **ROYA ROHANI, A.K.A. ROYA FARROKHANIA, State Bar No. 193175**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for two months. Roya Rohani, a.k.a. Roya Farrokhnia is also ordered to comply with the other conditions of probation including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 1, 2005, as modified by its order filed December 2, 2005. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if Roya Rohani, a.k.a. Roya Farrokhnia fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S142146**DAO ON RESIGNATION**

The voluntary resignation of **Ngoan Van Dao, State Bar No. 74298**, as a member of the State Bar of California is accepted.

S142149**FENWICK ON RESIGNATION**

The voluntary resignation of **Ann Elizabeth Fenwick, State Bar No. 121447**, as a member of the State Bar of California is accepted.

S142150**FETTERS ON DISCIPLINE**

The voluntary resignation of **Phyllis Annmarie Pope Feters, State Bar No. 95320**, as a member of the State Bar of California is accepted.

S142153**HAMILTON ON RESIGNATION**

The voluntary resignation of **J. Roger Hamilton, State Bar No. 83555**, as a member of the State Bar of California is accepted.

S142241

HANSELL ON RESIGNATION

The voluntary resignation of **Margaret Maves Hansell, State Bar No. 98104**, as a member of the State Bar of California is accepted.

S142243

HUNTLEY ON RESIGNATION

The voluntary resignation of **Gerald Thomas Huntley, State Bar No. 53796**, as a member of the State Bar of California is accepted.

S142246

KABACY ON RESIGNATION

The voluntary resignation of **Mark E. Kabacy, State Bar No. 52511**, as a member of the State Bar of California is accepted.

S142250

KAO ON RESIGNATION

The voluntary resignation of **Nancy Kao, State Bar No. 165299**, as a member of the State Bar of California is accepted.

S142323

GRAPPO ON RESIGNATION

The voluntary resignation of **Anne Sylvia Grappo, State Bar No. 80112**, as a member of the State Bar of California is accepted.

S142324

SACHS ON RESIGNATION

The voluntary resignation of **Heather Berner Sachs, State Bar No. 203198**, as a member of the State Bar of California is accepted.

S142325

DEITSCH ON RESIGNATION

The voluntary resignation of **MARTIN DEITSCH, State Bar No. 80931**, as a member of the State Bar of California is accepted.

S142326

DE MARTINI ON RESIGNATION

The voluntary resignation of **ALFRED F. DE MARTINI, State Bar No. 47287**, as a member of the State Bar of California is accepted.

S142327

DESII ON RESIGNATION

The voluntary resignation of **PAOLA F. DESII, State Bar No. 86173**, as a member of the State Bar of California is accepted.

S142329

DUBINSKY ON RESIGNATION

The voluntary resignation of **DAVID JOEL DUBINSKY, State Bar No. 152996**, as a member of the State Bar of California is accepted.

S142330

EASLEY ON RESIGNATION

The voluntary resignation of **JOSEPH CHARLES EASLEY, State Bar No. 35912**, as a member of the State Bar of California is accepted.

S142462

BROAD ON RESIGNATION

The voluntary resignation of **NORMAN BROAD, State Bar No. 41275**, as a member of the State Bar of California is accepted.